

All of the presently pending claims are patentable over Rowe (U.S. Patent. 7,207,057) even in view of Scott et al (U.S. Patent 5,675,752) and Lemmons (U.S. PGPUB 2003/0028873).

At the outset, the Office Action admits that the teachings of Rowe are deficient in a number of areas. For example, Rowe does not teach or suggest a system where developers can use authoring language to author and create interactive television (iTV) application templates and application descriptors for iTV applications, in which there is a separation of iTV application behavior from content and business rules, according to an authoring specification that describes a framework for the iTV applications, as presently claimed.

Further, Rowe does not teach or suggest an operator-deployed application management system configured to optimize iTV applications, as presently claimed. Instead, Rowe discusses a procedure for accepting and distributing interactive products that have already been created (e.g. by contributors such as OpenTV and Liberate). Rowe at col. 7, ll. 15-21, col. 8, ll. 3-17, 22-27, and col. 8, l. 64 - col. 9, l. 2. Notwithstanding the comments in the Office Action, a network operations center, such as that described in Rowe (col. 4, ll. 8-21), that controls creation, management, and distribution of object-oriented television programming should not be confused for operator-deployed application management system configured to optimize the iTV applications. Creation of playlists has nothing to do with the optimization of iTV applications, as presently claimed.

Scott does not overcome the shortcomings of Rowe with respect to a system where developers can use authoring language to author and create interactive television (iTV) application templates and application descriptors for iTV applications, in which there is a separation of iTV application behavior from content and business rules, according to an authoring specification that describes a framework for the iTV applications. Scott describes an interactive application generator which utilizes pre-fashioned objects and function libraries. Notwithstanding the comments in the office action, these pre-created object and function libraries, and options such as "open file" and "find file" do not constitute an authoring language for iTV applications.

Specifying data files to populate a pre-existing template, as hypothesized in the Office Action, is not using an authoring language to create an to author and create iTV application templates. Indeed, no template creation takes place whatsoever in such a scenario. Hence, even if the teachings of the references were combined in the manner suggested in the Office Action, the combination would not yield the presently claimed method.

Lemmons is cited for teaching separation of application behavior from content and business rules. But this proposition fails. Automatically designating advertising space in media content after production of that content does not constitute use of authoring language to author and create iTV application templates and application descriptors in which there is a separation of iTV application behavior from content and business rules. At best, Lemmons can be said to teach a scheme in which content production is separated from decisions regarding advertising placement. iTV application behavior is simply not considered in such a scheme. Hence, even if the teachings of the references were combined in the manner suggested in the Office Action, the combination would not yield the presently claimed method.

Hence at least for the reasons discussed above, all the present claims are patentable over Rowe even in view of Scott and Lemmons. If there are any additional fees due in connection with this communication, please charge our deposit account 19-3140

Respectfully submitted,

SONNENSCHN NATH & ROSENTHAL LLP

Dated: May 26, 2009

/Tarek N. Fahmi/

Tarek N. Fahmi

Reg. No. 41,402

P.O. Box 061080
Wacker Drive Station, Sears Tower
Chicago, IL 60606-1080
650-798-0320